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Voluntary Public

Date: 2/5/2018

GAIN Report Number: CH18005

China - Peoples Republic of

Post: Beijing

China Notifies Measures for the Inspection and Supervision of Prepackaged Food Labeling (as TBT 1246)

Report Categories:

FAIRS Subject Report

Approved By:

Jennifer Clever

Prepared By:

FAS Beijing Staff

Report Highlights:

On January 9, 2018, China notified the World Trade Organization of Measures pertaining to the Inspection and Supervision of Import and Export Prepackaged Food Labeling as TBT/CHN/1246. The Measures contain five chapters and 17 Articles, aiming to clarify the responsibilities of food producers/operators, the materials required for label inspection, and the mandates for the inspection and quarantine authorities to review labels. Comments on the notification can be sent to China's WTO/TBT National Notification and Enquiry Center by March 9, 2018. The proposed date of enforcement is October 1, 2018.

The following report contains an unofficial translation of the notified measure.

Executive Summary:

On January 9, 2018, China notified the World Trade Organization of Measures pertaining to the Inspection and Supervision of Import and Export Prepackaged Food Labeling as TBT/CHN/1246. The Measures contain five chapters and 17 Articles, aiming to clarify the responsibilities of food producers/operators, the materials required for label inspection, and the mandates for the inspection and quarantine authorities to review labels.

Interested parties can provide comments on the notification by sending them to China's WTO/TBT National Notification and Enquiry Center tbt@aqsiq.gov.cn by March 9, 2018. The proposed date for adoption of the Measures is 90 days after the notification. The proposed date of enforcement is October 1, 2018.

The following report contains an unofficial translation of the measure as notified.

BEGIN TRANSLATION

Measures for the Inspection and Supervision of Import and Export Prepackaged Food Labeling (Revised Draft)

Chapter I General Provisions

Article 1 To standardize regulation of inspection and supervision of labeling of imported and exported prepackaged foods, the Measures are made according to relevant laws and administrative regulations such as Food Safety Law of the People's Republic of China and its enforcement regulations and Law of the People's Republic of China on Import and Export Commodity Inspection and its enforcement regulations.

Article 2 The Measures apply to regulation of inspection and supervision of labeling of imported and exported prepackaged foods.

Article 3 The definitions for prepackaged foods and labeling of prepackaged foods are consistent with provisions of the national food safety standard.

Chapter II Business Accountability

Article 4 Exporters and manufacturing enterprises outside the territory of China which import prepackaged foods shall ensure that labeling of prepackaged foods imported to China conform to provisions of Chinese laws and regulations and requirements of the national food safety standard and be responsible for claims on the labels.

Article 5 An importer importing prepackaged foods is responsible for examination of the Chinese labels of its imported prepackaged foods, and only foods with the labeling consistent with provisions of Chinese laws and regulations and requirements of the national food safety standard are allowed to be imported into China. An importer shall keep the labeling materials of imported food for at least 2 years and be subject to supervision and spot check conducted by inspection and quarantine institutions for labeling of imported prepackaged foods.

Article 6 An exporter or manufacturing enterprise exporting prepackaged foods shall ensure that labeling of exported foods conform to the standards or contract requirements of the importing countries (regions).

Chapter III Inspection and Supervision of Labeling of Imported Prepackaged Foods

Article 7 When declaring for inspection and quarantine, an importer importing prepackaged foods or its agent shall submit corresponding materials according to rules on declaration for inspection and quarantine, and at the same time provide following materials:

- (I) Sample pages of Chinese labels of the foods; sample pages and translated copies for original labels (if there are original labels);
- (II) Certification materials used to highlight claims marked on the Chinese labels, including: labels highlight a certain claim, for example, winning an award, obtaining a certificate, legal production region and geographical indication; labels highlight that food contains special ingredients; the content of nutritious ingredients are marked on the labels.
- (III) A letter of commitment issued by an enterprise shall include following items:
 - 1. Chinese labels have been attached to or printed on the imported prepackaged foods, are consistent with the sample copies which are used for declaration for inspection and quarantine, and conform to

provisions of Chinese laws and regulations and requirements of the national food safety standard.

2. Where labels of imported prepackaged foods are not consistent with provisions of Chinese laws and regulations and requirements of the national food safety standard, the said foods shall be recalled voluntarily according to provisions of Article 63 of Food Safety Law.

Article 8 When accepting a declaration for inspection and quarantine, the inspection and quarantine institution shall conduct formal examination on the materials specified in Item (I) and Item (III) of Article 7 as said above, and the declaration shall not be accepted in case of incomplete materials.

Article 9 According to Administration Rules on Exit-Entry Inspection and Quarantine Process, the inspection and quarantine institutions conduct examinations on labeling of imported prepackaged foods which are selected in selective batch examination, and the inspection and quarantine include:

- (I) Spot inspection: check if Chinese labels have been attached to or printed on the imported prepackaged foods, and if the Chinese labels are consistent with the reporting materials.
- (II) Labeling inspection: conduct inspection on labeling of the prepackaged foods according to Food Safety Law and its relevant laws and regulations and the national food safety standard.

For imported prepackaged foods which are not selected in selective batch examination, inspection and quarantine institutions examine their documents and release the foods on the basis of the letter of commitment issued by the importer or its agent.

Article 10 Anyone providing false materials is prohibited from import. Prepackaged foods for import whose Chinese labeling is not consistent with provisions of Chinese laws or regulations or requirements of the national food safety standard shall not be imported.

Article 11 For imported prepackaged foods which have passed through customs, inspection and quarantine institutions may conduct retrospective inspection on the labels and relevant materials submitted during declaration for inspection and quarantine, and notify relevant authorities of any inconsistency with provisions of Chinese laws or regulations or requirements of the national food safety standard if any according to Food Safety Law.

Article 12 When finding any nonconformance (including customers' complaint and other nonconformance found by any other supervision authority) of prepackaged food in any link, inspection and quarantine institutions conduct stricter supervision measures on the importer of the batch of the said

food. When importing prepackaged foods again, the importer shall submit materials specified in Article 7 and also explain item by item that claims marked on the labels of imported prepackaged foods are consistent with provisions of Chinese laws and regulations and requirements of the national food safety standard, and shall submit test reports for all numerical values marked on the labels.

For an importer subject to stricter supervision, if nonconformance of labeling of imported prepackaged foods is not found during 12 months or for successive 60 batches, regular supervision will be restored.

Chapter IV Regulation of Labeling of Exported Prepackaged Foods

Article 13 During declaration for inspection and quarantine for exported prepackaged foods, exporters and manufacturing enterprises exporting prepackaged foods shall provide entry and exit inspection and quarantine institutions with label samples and translation copies and letters of commitment in which they guarantee that labeling of exported prepackaged foods is consistent with standards or contract requirements of the importing countries (regions).

Chapter V Supplementary Provisions

Article 14 Imported foods used for exhibition and samples, imported foods for duty-free operation and used by embassies and consulates themselves and exported foods provided for embassies and consulates and diplomatic personnel of Chinese enterprises are exempt from inspection and supervision of labeling of imported and exported prepackaged foods.

Article 15 Supervision of labeling of imported prepackaged foods entering China which are carried by travelers or sent by post or express is subject to relevant rules.

Article 16 AQSIQ is responsible for interpretation of the Measures.

Article 17 The Measures come into force on October 1, 2018. Where provisions on inspection and supervision of imported and exported prepackaged foods in previous regulations are inconsistent with the Measures, the Measures apply.

END OF TRANSLATION

